

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.193 of 2020

1. Sayyed Aminuddin S/o Tajuddin Aged About 62 Years R/o Afroz Bag, Moudhapara, Raipur, Tahsil And District Raipur Chhattisgarh
2. Smt. Husaina Bano W/o Sayyed Aminuddin Aged About 56 Years R/o Afroz Bag, Moudhapara, Raipur, Tahsil And District Raipur Chhattisgarh

---- Petitioners

Versus

1. Smt. Nazma Begum W/o Late Sayyed Mobinuddin Aged About 32 Years
2. Ku. Shahista Bano D/o Late Sayyed Mobinuddin Aged About 9 Years (Minor) Through Their Legal Guardian Mother Respondent No. 01 Smt. Nazma Begum
3. Sayyed Ashraf S/o Late Sayyed Mobinuddin Aged About 13 Years (Minor) Through Their Legal Guardian Mother Respondent No. 01 Smt. Nazma Begum
(all are R/o House Of Shallo Jan, Baniyapara Ward, Dhamtari, District Dhamtari Chhattisgarh (Claimant/ Applicant))
4. Bacchumal Manglani S/o Jiyamal Manglani Aged About 65 Years R/o Near Goura Choura, Binayapara, Ward, Dhamtari, District Dhamtari Chhattisgarh (Non Applicant No. 3) (Registered Owner Of Vehicle Car Bearing Registration No. Cg/05/u/8500)
5. The IFFCO-TOKIO General Insurance Company Limited Through Manager Office, M.M. Silver Plaza, Fifth Floor, Near Mining Bhawan, Ring Road No. 2, Raipur, District Raipur Chhattisgarh (Non Applicant No. 04) (Insurer Of Vehicle Car Bearing Registration No. Cg/05/u/8500)

---- Respondents

For Petitioner : Mr. Shivendu Pandya, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-02-2020

Heard.

1. This petition has been brought being aggrieved by the order dated 04.10.2019 by which the application filed by the applicants for pre-mature disbursal of the compensation amount in fixed deposit has been

rejected by the learned M.A.C.T.

2. Learned counsel for the petitioner submitted that the petitioners have been awarded compensation in Claim Case No.338/2017 by award dated 27.10.2018. However, the whole amount of compensation has been deposited in fixed deposit according to the orders of the Tribunal. The applicants have purchased a piece of land for construction of house, therefore, to meet the expenses of the same, they made a prayer for pre-mature disbursal of the fixed deposit amount which has been arbitrarily and erroneously rejected by the trial Court.
3. On perusal of the copy of application for pre-mature disbursal of the amount, it is found that the applicants have mentioned reasons why they are in need of the amount in fixed deposit regarding the non-availability of other resources etc. the mention is not specific, therefore, the petition is disposed off at motion stage and the petitioners are granted liberty to file a repeat application before the learned A.M.A.C.T. making prayer for pre-mature disbursal of the amount of compensation in fixed deposit along with details and also the specific reasons giving details regarding the resources etc.
4. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge